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Docket No.

121027-0087

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

Applicant(s): Yoshitaka MISHIMA and Miyuki IKEDA

Application No.
10/016,411

Filing Date
12/10/2001

Examiner
Catherine ANDERSON

Group Art Unit
3761

Invention:

DISPOSABLE UNDERGARMENT

Petition To Refund Extension of Time and Notice of Appeal Fees, Combined Notice
of Appeal From The Primary Examiner To The Board of Patent Appeals and Interferences
& Petition For Extension of Time Under 37 CFR 1.126(a) (Large Entity) and Fee Transmittal

I hereby certify that this

(Identify type of correspondence)

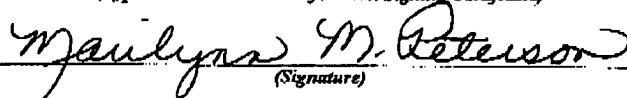
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on 11/04/2004

(Date)

Marilynn M. Peterson

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(Signature)

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Appl. No. 10/016,411
Petition Dated November 4, 2004

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group
Art Unit: 3761

Attorney
Docket No.: 121027-087

Applicant: Yoshitaka MISHIMA et al.

Invention: DISPOSABLE UNDERGARMENT

Serial No.: 10/016,411

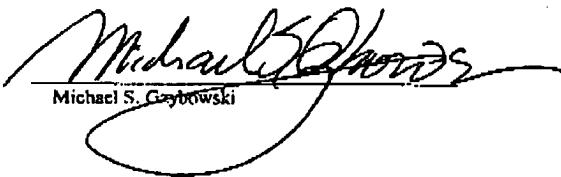
Filed: December 10, 2001

Examiner: Catharine Anderson

Certificate Under 37 CFR 1.8(h)

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office via facsimile transmission on the date indicated below.

on November 4, 2004


Michael S. Gaybowski

PETITION TO REFUND EXTENSION OF TIME AND NOTICE OF APPEAL FEES

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The petition is being submitted in accordance with 37 CFR §1.181 and §1.182.

The undersigned is requesting a refund for a Three Month Extension of Time Fee and a Notice of Appeal Fee that are being submitted on even date herewith.

The undersigned submits that the inaction on behalf of the U.S. Patent and Trademark Office (USPTO) necessitated the filing of a Notice of Appeal and a Petition for a Three Month Extension of Time together with Fees of \$1,320 which are an unnecessary burden and hardship on the applicants.

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The circumstances that support this Petition are as follows:

1. On May 4, 2004 a Final Office Action was mailed from the USPTO on the above-identified application.
2. On August 4, 2004 the undersigned filed an Amendment After Final via facsimile.
3. The PAIR system indicates that applicants' Amendment After Final was processed and forwarded to the Examiner on August 25, 2004.
4. The PAIR system indicates that as of the date of this Petition, no action has been taken by the Examiner in charge of this application.
5. The seventy-one (71) day delay in the Examiner's not taking any action in this application has necessitated the filing of a Notice of Appeal and a Petition for a Three Month Extension of Time and has inflicted a cost on applicants of \$1,320.00

Based upon the above facts, the undersigned respectfully petitions for a refund for the Three Month Extension of Time Fee and a Notice of Appeal Fee that are being submitted on even date herewith.

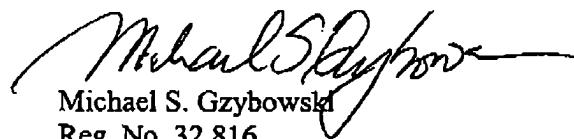
The undersigned will accept a refund of \$1,210.00, if the USPTO wants applicants to pay for a One Month Extension of Time in which the Examiner would have had until September 3, 2004 to act on the Amendment After Final.

The undersigned hereby authorizes necessary fee of \$110.00 to be charged to Deposit Account No. 12-2136 to have this petition considered, but further request that the petition fee be

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waived or refunded as the cause of this Petition was due to action of the USPTO.

Respectfully submitted,



Michael S. Gzybowski
Reg. No. 32,816

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119816.1

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